

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

TABARRIS D. CONNER

PLAINTIFF

v.

No. 1:15CV5-GHD-JMV

**LOWNDES COUNTY ADULT
DETENTION CENTER, ET AL.**

DEFENDANTS

**ORDER GRANTING PLAINTIFF'S MOTION
FOR RELIEF FROM JUDGMENT OR ORDER**

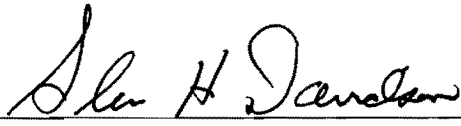
This matter comes before the court on the plaintiff's motion for reconsideration of the court's May 12, 2015, order dismissing the instant case because it appears that someone other than the appropriate inmate account custodian signed the form providing information necessary for the court to decide the plaintiff's motion to dismiss. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e). An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003).

In the instant motion, Conner states that he sent the proper form to the office of the inmate account custodian – and has no control over who signs the form thereafter. Though the court cannot discern a motive for someone other than the plaintiff to have forged the custodian's signature, as this early stage in the proceedings, the court will permit the case to proceed. As

such, the plaintiff's request to alter or amend judgment under Fed. R. Civ. P. 59(e) is **GRANTED**.

The Clerk of the Court is **DIRECTED** to place the instant case back on the court's active docket.

SO ORDERED, this, the 18th day of August, 2015.



SENIOR JUDGE